

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Kevin Brathwaite,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1542-GMS
	)	
Thomas Carroll, Warden, et al.,	)	Trial by Jury Demanded
	)	
Defendants.	)	

**AFFIDAVIT OF VIOLET DUNN**

Violet Dunn, having been duly sworn according to law, deposes and states as follows:

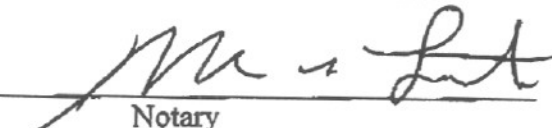
1. I am employed by the State of Delaware, Department of Correction ("DOC") at the Delaware Correctional Center ("DCC") Smyrna, Delaware as an Operation Support Specialist in the DOC's Administration offices. At the time of the alleged incident, I was a Correctional Officer having been employed by the DOC since 1988. I have held my present position since August, 2005.
2. I make this affidavit based upon my personal knowledge.
3. On December 15, 2004, Sgt. Barry Burman and I were working the 4 to midnight shift in the DCC infirmary. Shortly before the shift ended, C/O Ernest Ebwelle arrived to relieve us. Sgt. Burman and I gave the keys and equipment (log book, shackles and handcuffs) to C/O Ebwelle and briefed him on what transpired on our shift. The 4 to midnight shift ran normally without any incidents or unusual occurrences to report.
4. I did not have capstun in my possession at any time during my shift as Correctional Officers were not authorized or permitted to carry capstun while on infirmary duty. Furthermore, since Sgt. Burman and I had already given our keys and

since Sgt. Burman and I had already given our keys to C/O Ebwelle, we no longer had access to any of the cells or door flaps. The cell door flaps can only be opened with keys. Upon our departure, there was no odor or visible sign that capstun had been sprayed at any time and all was quiet. Sgt. Burman and I were properly relieved by staff and departed without incident around midnight via the emergency door.

5. I make these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

  
Violet Dunn

SWORN TO AND SUBSCRIBED before me this 11 day of SEPT, 2006.

  
Notary